

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL J. QUILLING, as Receiver for	§	
Megafund Corporation and Lancorp	§	
Financial Group, LLC	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. 3:06-CV-0959-L
	§	
GARY McDUFF, et al.,	§	
	§	
Defendants.	§	

ORDER

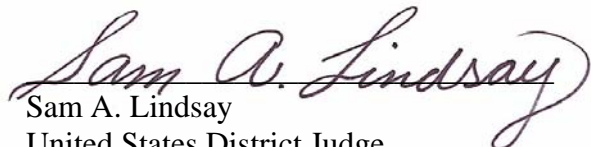
Before the court are the Findings and Recommendation of the United States Magistrate Judge, entered May 4, 2007. No objections to the magistrate judge's findings and recommendation were filed.

Plaintiff Michael Quilling, acting as receiver for Megafund Corporation and related entities, filed a motion for a turnover over enforcing a constructive trust and directing the sale of certain real property located at 1318 Minchen Drive, Deer Park, Texas ("Deer Park Property"). On January 23, 2007, the court entered a final judgment in favor of Plaintiff and against Defendant Gary McDuff in the amount of \$304,272.58 and imposing a constructive trust on the Deer Park Property. Plaintiff's motion seeks a turnover over enforcing the constructive trust and directing the sale of the Deer Park Property. United States Magistrate Judge Jeff Kaplan recommends that the court grant Quilling's motion. The magistrate judge held a show cause hearing on May 4, 2007, but Defendant failed to appear.

Having reviewed the pleadings, file and record in this case, and the findings and recommendation of the magistrate judge, the court determines that the findings are correct. The

magistrate judge's findings and conclusions are therefore **accepted** as those of the court. The court therefore **awards** the Receiver immediate possession of the property located at 1318 Minchen Drive, Deer Park, Texas. The court **imposes** an equitable lien on the Deer Park Property consistent with the constructive trust created by the terms of the final judgment entered on January 23, 2007, and the Receiver is **authorized** to foreclose on the lien. The court **directs** the clerk of the court to issue all appropriate writs and processes for the sale of the Deer Park Property. The court **authorizes** the Receiver to use the outstanding amount of the judgment against Defendant as a credit towards the purchase of the Deer Park Property at the court ordered sale.

It is so ordered this 24th day of May, 2007.


Sam A. Lindsay
United States District Judge